

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

PRACTICEWORKS, INC., et al.,) Civil No.: JFM 02 CV 1205
Plaintiffs)
V.)
PROFESSIONAL SOFTWARE SOLUTIONS)
OF ILLINOIS, INC.,)
Defendant.)
AND)
PRACTICEWORKS, INC., et al.,) Civil No.: JFM 02 CV 1206
Plaintiffs)
V.)
DENTAL MEDICAL AUTOMATION, INC.,)
Defendant.)

AFFIDAVIT OF MARK E. WIEMELT

County of Cook)) ss:
State of Illinois)

Mark E. Wiemelt, being duly sworn, deposes and says:

- 1) I am an attorney of record for Defendant Dental Medical Automation, Inc. and Defendant Professional Software Solutions of Illinois, Inc. (hereinafter collectively referred to as "Defendants"). As such, I am fully familiar with the facts set forth in this affidavit.
- 2) On February 13, 2004, pursuant to a previously agreed to order, Plaintiffs' filed a Motion for Partial Summary Judgment of their amended third, fourth, fifth



and sixth counts and for Partial Summary Judgment, to dismiss, or, in the alternative, for Judgment on the pleadings as to Defendants' fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and PSSI's fourteenth amended counterclaims and affirmative defense.

3) On February 21, 2003, the Court held a hearing in which it found that Defendants could provide technical support and service of the Software "provided, of course, . . . that relevant materials were returned to [Plaintiffs] and not used" as required under Paragraph 13.3 of the Agreements (Feb. 21, 2003 Trans., p. 10; for the convenience of the Court, the transcript attached hereto as Exhibit A).

4) On April 2, 2004, I personally made a search of the United States Patent and Trademark Office records for trademark registrations. (Copies of the search results are attached hereto as Exhibit B).

5) That search revealed that in October 1989 Plaintiffs filed for and received in May 1990, a registration for the mark "Infosoft" for computer software programs for the management of medical, dental and veterinary offices including patient data and historical data, accounting, insurance processing for medical and dental offices and for the management of veterinary offices including animal data and historical data, and on related instruction manuals, claiming a date of first use of April 19, 1989. That registration is current.

6) That search also revealed that in October 1989 Plaintiffs filed for and received in July 1990, a registration for the mark "Medassist" for computer software programs for the management of medical offices including patient data and historical data, accounting, insurance processing on related instruction

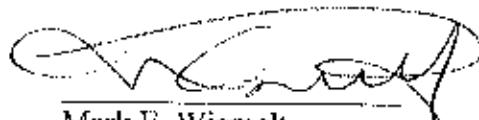
manuals, claiming a date of first use of April 19, 1989. That registration is now cancelled.

7) That search further revealed that in February 1989 Plaintiffs filed for and received in June 1990, a registration for the mark "Softvet" for computer software programs for the management of veterinary offices including collecting animal data and historical data, accounting and on accompanying instruction manuals, claiming a date of first use of December 15, 1987. That registration is now cancelled.

8) That search further revealed that in February 1989 Plaintiffs filed for and received in October 1989, a registration for the mark "Softdent" for computer software programs for the management of dental offices including patient data and historical data, accounting, insurance processing on related instruction manuals, claiming a date of first use of December 30, 1985. That registration is current.

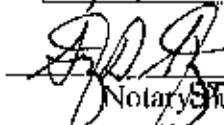
Date: 4-5-04

Respectfully submitted,



Mark E. Wiemelt

Subscribed and sworn to
before me this 5th day
of April, 2004.



"OFFICIAL SEAL"
Notary STANLEY D. SCHWARTZ
Notary Public, State of Illinois
My commission expires 06/18/07.